

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

**SHIRLEY RADABAUGH,**

**Plaintiff,**

**v.**

**CLAY TURNER REALTY GROUP, LLC,  
Defendant.**

**DOCKET NO: 1:20-CV-00058-JRH-BKE**

## DECLARATION OF CLAY TURNER

**I, CLAY TURNER, under the penalty of perjury, declare the following to be true and correct to the best of my personal knowledge:**

- 1. I am the owner and operator of Clay Turner Realty Group, LLC.**
- 2. Clay Turner Realty Group, LLC is the defendant in this action.**
- 3. I have all necessary and proper authority to submit this declaration on behalf of and as a representative of Clay Turner Realty Group, LLC.**
- 4. I am over the age of 18 years old and competent to submit this declaration in support of my response to Shirley Radabaugh's ("Plaintiff") Motion for Partial Summary Judgment against Defendant on liability for copyright infringement under 17 U.S.C. §§ 106, 501 (Count I of the Complaint).**
- 5. I am a licensed real estate agent in the states of Georgia and South Carolina.**

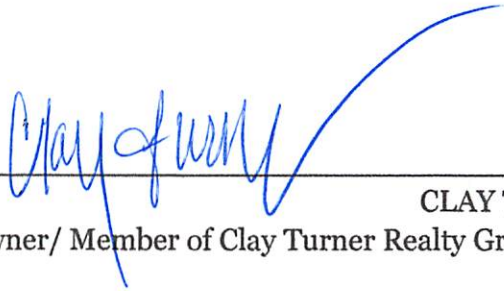


6. Clay Turner Realty Group, LLC operates as a real estate agency in the states of Georgia and South Carolina.
7. Clay Turner Realty Group, LLC's principal place of business is in Lincolnton, Georgia.
8. I hired a third party business, SouthFire Web Solutions ("South Fire") to build a website for Defendant.
9. The individual that built my website is known as one Jimmy Barnett.
10. I provided a number of photographs to be placed on the website.
11. It was my understanding that SouthFire would use stock images, which required no license for each individual image use, for the creation of the website and any licensing for any content, if required, would be completed in the website construction process.
12. A website was built with the web address of [www.turnerrealty.us](http://www.turnerrealty.us) by SouthFire and which is maintained and powered by SouthFire.
13. The local regions I market and sell real estate in are shown on the aforementioned website and are depicted by well-known landmarks in that area.
14. I market and sell real estate in Aiken, South Carolina.
15. The train depot in Aiken, South Carolina is a well-known and often photographed landmark in Aiken, South Carolina.
16. SouthFire selected and modified all images displayed on my website subject to our agreement to build the website for my company.
17. I had no knowledge prior to this lawsuit that any images utilized on the website were not stock images or images I had provided myself, or that if they were, that proper licensing

had not been obtained.

18. The train depot picture was published as a depiction of Aiken, South Carolina.
19. Prior to the building and launching of the website, there was no communication between Plaintiff and myself.
20. Prior to the filing of this lawsuit, there was no communication between Plaintiff and myself.
21. The same and/or substantially similar images of the train depot are depicted on a number of websites, including non-profit, government, and commercial for-profit businesses.
22. The last certified publication date of my website prior to the filing of the lawsuit was January 2020.
23. The photograph at issue was removed from the website.

Dated: January 11, 2021

  
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CLAY TURNER  
Owner/ Member of Clay Turner Realty Group, LLC